

DECLARATION OF PRIVATE ROADWAY EASEMENTS

THIS DECLARATION OF PRIVATE ROADWAY EASEMENT was executed on this 5th day of April, 1991, at Lancaster, Ohio, by the undersigned (hereinafter Declarant), who is the owner of the properties described in "Exhibits A through F" attached hereto and incorporated herein by reference as if fully set forth.

WHEREAS, Declarant desires to create, for the benefit of future owners of such properties their heirs and assigns, certain easement rights over and across the road shown on the plat attached hereto as "Exhibit G", incorporated herein by reference as if fully set forth and as hereinafter generally described by metes and bounds, and to impose upon such future owners, their heirs and assigns, certain conditions and restrictions regarding the use of such easements.

NOW THEREFORE, it is hereby declared that each of the aforesaid lots shall be conveyed together with and subject to easement rights and responsibilities hereby created and that by the acceptance of such conveyances, the grantees thereof, for themselves, their successors in interest and assigns, shall agree to be bound by the terms of this Declaration, which shall be specifically referred to in such deeds of conveyance. Such rights and responsibilities are as follows:

1. Declarant shall install, at his sole cost and expense, a roadway (the road) over and across the following described real estate:

Situated in the State of Ohio, Fairfield County, Greenfield Township, Township 15, Range 19, Section 14, and further described as follows:

Beginning at a point in Coonpath Road, said point being South 89° 14' 00" East a distance of 1,582.80 feet from the Southwest corner of the Southeast quarter of Section 14; thence North 00° 12' 18" East a distance of 982.59 feet to a point; thence North 65° 53' 54" West 793.10 feet to a point on the East line of the 7.922 acres, more or less, more particularly described in "Exhibit A" attached hereto and incorporated herein by reference as if fully set forth; thence along said East line North 04° 51' 11" East 60 feet to a point; thence South 65° 53' 54" East a distance of 853.10 feet to a point 60 feet east of the West line of the 8.684 acres, more or less, more particularly described in "Exhibit B" attached hereto and incorporated herein by reference as if fully set forth; thence South 00° 12' 18" West and parallel to said West line and the West line of the 2.000 acres, more or less, more particularly described in "Exhibit C" attached hereto and incorporated herein by reference as if fully set forth, 1042.59 feet to a point in Coonpath Road; thence North 89° 14' 00" West with said road a distance of 60 feet to the point of beginning.

2. The road shall be constructed in accordance with the specifications attached hereto as "Exhibit H" and incorporated herein by reference as if fully set forth.

3. Declarant and all future owners of the subject properties, their respective heirs and assigns, and their agents, servants, tenants, visitors, invitees, licensees, grantees and all other persons to the advantage of such parties their respective heirs and assigns, at all times shall freely pass and repass on foot, or with vehicles, or otherwise through and over the road.

4. All owners of the subject properties, current and future, are hereby prohibited from causing the land, the

For Amendment See Deed 61-591 pg 60

subject of this easement, to be obstructed or in any manner degraded so as to defeat the purpose for which this easement is given.

5. All owners of the subject properties, current and future, shall be responsible for the cost of maintenance, repair, and replacement of the road, on the following basis:

(a) The owners of the subject properties shall share in the above referenced expenses on an equal basis. That is, each lot owner shall pay 1/6th of such expenses for each lot owned.

(b) All matters relating to the maintenance, repair, replacement, and general use of the road shall be decided in accordance with the By-Laws of the Owners' Association composed of all of the owners of the subject properties. Such By-Laws, executed of even date herewith, are incorporated herein by reference as if fully set forth.

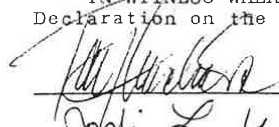
(c) Notwithstanding anything contained herein to the contrary, any damage to the road caused by the intentional or negligent act of a particular lot owner, or the lessee, agent, licensee, or invitee of such lot owner, shall be repaired at the sole cost and expense of such lot owner.

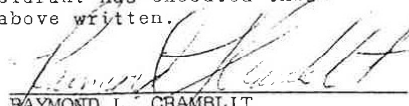
6. Notwithstanding anything contained herein to the contrary, to the extent that any individual lot owner's driveway and any appurtenant culvert, extends into the right of way for the subject road as shown on the above referenced plat, such lot owner shall be solely responsible for the installation, maintenance, repair and replacement of such driveway and culvert.

7. Each owner of the subject properties their successors in interest and assigns, shall be members in the Owners' Association, the purpose of which is to maintain the road for the common benefit of the owners of the subject properties. Said membership shall require the observance of the rules and regulations established by the members for the efficient operation of said Association. Said membership shall include the payment of such assessments as the Owners' Association shall find necessary for the maintenance, repair and replacement of said private road, and for such liability and other insurance coverages as the Association deems appropriate, which assessments shall be prorated in accordance with the terms hereof and in accordance with such other rules and regulations of the Association. Said assessments shall constitute a lien against the subject properties, until paid, subordinate only to the lien of real estate taxes and duly recorded mortgages.

8. Each owner of subject properties, no matter how many of such properties such owner may have title to, shall have one vote on the affairs of the Owners' Association. If there is more than one owner of a subject property or group of such properties, only one of the owners thereof shall vote on the affairs of the Association. The co-owners of such property or group of properties shall designate which of them shall act as the voting member of the Association. With regard to the maintenance, repair, and replacement of the road, decisions relating thereto shall be made by a majority of the voting members.

IN WITNESS WHEREOF, the Declarant has executed this Declaration on the date first above written.


Jodi L. Ward


RAYMOND L. CRAMBLIT

State of Ohio, Fairfield County, SS:

Before me, a Notary Public, in and for said county and state, personally appeared the above-named Raymond L. Cramblit, who acknowledged that he did sign and seal the foregoing instrument and that the same is his free act and deed and the free act and deed of said partnership.

In Testimony Whereof, I have hereunto set my hand and official seal at Lancaster, Ohio, this 5th day of April, 1991.

Jodi L. Uhl
Notary Public JODI L. UHL
Notary Public, State of Ohio
My commission expires 11.14.92

This instrument prepared by Ray R. Michalski, Attorney at Law, Dagger, Johnston, Miller, Ogilvie, & Hampson, 144 East Main Street, P. O. Box 667, Lancaster, Ohio 43130-0667.

To The Recorder: Please cross-reference to deeds of record in Volume 582, Page 254, and Volume 582, Page 262. ✓

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RECEIVED IN FAIRFIELD COUNTY, OHIO
APR 9 1991
RECORDED VOL 582 PAGE 262

36 APR 8 1991

Gene Wood
Recorder - Fairfield County, Ohio

TRANSFER
NOT NECESSARY
APR 09 91
James Hill
COUNTY AUDITOR, FAIRFIELD COUNTY OHIO

Situated in the State of Ohio, Fairfield County, Greenfield Township, Township 15, Range 19, Section 14.

Being part of the property described in a deed to Raymond L. Cramblit as recorded in volume 582, page 254, and being further described as follows:

Beginning at a point in Coonpath Road, said point being South 89° 14'00" East a distance of 401.40 feet from the southwest corner of the southeast quarter of Section 14;

thence North 01°46'18" East, passing over 5/8 inch rebars set at 30.00 feet and 740.68 feet, a distance of 1490.68 feet to a 5/8 inch rebar set;

thence South 89°00'51" East a distance of 421.46 feet to a stone found;

thence South 04°51'11" West a distance of 750.18 feet to a 5/8 inch rebar set;

thence North 89°14'00" West a distance of 321.14 feet to a 5/8 inch rebar set;

thence South 01°46'18" West, passing over a 5/8 inch rebar set at 710.68 feet, a distance of 740.68 feet to a point in Coonpath Road;

thence North 89°14'00" West with said road a distance of 60.00 feet to the point of beginning, containing 7.922 acres.

Bearings are based on the centerline of Coonpath Road being North 89° 14'00" West. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

Description is based on a survey made by Tobin-McFarland Surveying, Inc. in July 1990 and was prepared by Thomas E. Tobin, Registered Professional Surveyor No. 6363.

EXHIBIT B

Situated in the State of Ohio, Fairfield County, Greenfield Township, Township 15, Range 19, Section 14.

Being part of the property described in a deed to Raymond L. Cramblit as recorded in volume 582, page 254, and being further described as follows:

Beginning at a point in Coonpath Road, said point being South 89° 14'00" East a distance of 2182.80 feet from the southwest corner of the southeast quarter of Section 14;

thence North 00°12'18" East, passing over a 5/8 inch rebar set at 30.00 feet, a distance of 580.80 feet to a 5/8 inch rebar set;

thence North 89°14'00" West a distance of 600.00 feet to a 5/8 inch rebar set;

thence North 00°12'18" East a distance of 517.23 feet to a 5/8 inch rebar set;

thence South 89°42'01" East, passing over a 5/8 inch rebar set at 115.22 feet, a distance of 662.05 feet to a 3/4 inch iron pipe found;

thence South 00°39'41" West a distance of 246.76 feet to a 3/4 inch iron pipe found;

thence South 00°14'00" West a distance of 243.93 feet to a 3/4 inch iron pipe found;

thence South 00°12'18" West a distance of 612.72 feet to a point in Coonpath Road;

thence North 89°14'00" West with said road a distance of 60.00 feet to the point of beginning, containing 8.684 acres.

Bearings are based on the centerline of Coonpath Road being North 89° 14'00" West. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

Description is based on a survey made by Tobin-McFarland Surveying, Inc. in July 1990 and was prepared by Thomas E. Tobin, Registered Professional Surveyor No. 6363.

EXHIBIT C

TRACT ONE: Beginning at a point in Coonpath Road, said point being South 89° 14' 00" East a distance of 1582.80 feet from the Southwest corner of the Southeast Quarter of Section 14; thence North 00° 12' 18" East, passing over a 5/8 inch rebar set at 30.00 feet, a distance of 580.80 feet to a 5/8 inch rebar set; thence South 89° 14' 00" East a distance of 150.00 feet to a 5/8 inch rebar set; thence South 00° 12' 18" West, passing over a 5/8 inch rebar set at 550.80 feet, a distance of 580.80 feet to a point in Coonpath Road; thence North 89° 14' 00" West a distance of 150.00 feet to the point of beginning, containing 2.000 acres.

Bearing are based on the centerline of Coonpath Road being South 89° 14' 00" East. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

Description is based on a survey made by Tobin-McFarland Surveying, Inc. in May, 1990, and was prepared by Thomas E. Tobin, Registered Professional Surveyor No. 6363.

EXHIBIT D

Situated in the State of Ohio, Fairfield County, Greenfield Township, Township 15, Range 19, Section 14.

Being part of the property described in a deed to Raymond L. Cramblit as recorded in volume 582, page 254, and being further described as follows:

Beginning at a point in Coonpath Road, said point being South 89° 14'00" East a distance of 802.80 feet from the southwest corner of the southeast quarter of Section 14;

thence North 00°12'18" East, passing over a 5/8 inch rebar set at 30.00 feet, a distance of 740.60 feet to a 5/8 inch rebar set;

thence North 04°51'11" East a distance of 750.18 feet to a stone found;

thence North 01°19'50" East a distance of 291.72 feet to a 5/8 inch rebar set;

thence South 88°44'16" East a distance of 435.06 feet to a 5/8 inch rebar set;

thence South 00°44'12" West a distance of 656.95 feet to a 5/8 inch rebar set;

thence North 65°53'54" West a distance of 427.50 feet to a 5/8 inch rebar set;

thence South 04°51'11" West a distance of 550.00 feet to a 5/8 inch rebar set;

thence South 00°12'18" West, passing over a 5/8 inch rebar set at 710.60 feet, a distance of 740.60 to a point in Coonpath Road;

thence North 89°14'00" West with said road a distance of 60.00 feet to the point of beginning, containing 7.484 acres.

Bearings are based on the centerline of Coonpath Road being North 89° 14'00" West. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

Description is based on a survey made by Tobin-McFarland Surveying, Inc. in July 1990 and was prepared by Thomas E. Tobin, Registered Professional Surveyor No. 6363.

Situated in the State of Ohio, Fairfield County, Greenfield Township, Township 15, Range 19, Section 14.

Being part of the property described in a deed to Raymond L. Cramblit as recorded in volume 582, page 254, and being further described as follows:

Beginning at a point in Coonpath Road, said point being South 89° 14'00" East a distance of 1522.80 feet from the southwest corner of the southeast quarter of Section 14;

thence North 00°12'18" East, passing over a 5/8 inch rebar set at 30.00 feet, a distance of 1022.59 feet to a 5/8 inch rebar set;

thence North 65°53'54" West a distance of 245.60 feet to a 5/8 inch rebar set;

thence North 00°44'12" East a distance of 656.95 feet to a 5/8 inch rebar set;

thence South 88°44'16" East a distance of 400.00 feet to a 5/8 inch rebar set;

thence South 00°44'12" West, passing over a 5/8 inch rebar set at 513.10 feet, a distance of 674.40 feet to a 5/8 inch rebar set;

thence North 89°42'01" West a distance of 115.22 feet to a 5/8 inch rebar set;

thence South 00°12'18" West, passing over 5/8 inch rebars set at 517.23 feet and 1068.03 feet, a distance of 1098.03 feet to a point in Coonpath Road;

thence North 89°14'00" West with said road a distance of 60.00 feet to the point of beginning, containing 7.866 acres.

Bearings are based on the centerline of Coonpath Road being North 89° 14'00" West. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

Description is based on a survey made by Tobin-McFarland Surveying, Inc. in July 1990 and was prepared by Thomas E. Tobin, Registered Professional Surveyor No. 6363.

EXHIBIT F

Situated in the State of Ohio, Fairfield County, Greenfield Township, Township 15, Range 19, Section 14.

Being part of the property described in a deed to Raymond L. Cramblit as recorded in volume 582, page 254, and being further described as follows:

Beginning at a point in Coonpath Road, said point being South 89° 14'00" East a distance of 1462.80 feet from the southwest corner of the southeast quarter of Section 14;

thence North 00°12'18" East, passing over a 5/8 inch rebar set at 30.00 feet, a distance of 740.60 feet to a 5/8 inch rebar set;

thence North 89°14'00" West, passing over a 5/8 inch rebar set at 300.00 feet, a distance of 600.00 feet to a 5/8 inch rebar set;

thence North 04°51'11" East a distance of 550.00 feet to a 5/8 inch rebar set;

thence South 65°53'54 East, passing over a 5/8 inch rebar set at 427.50 feet, a distance of 673.10 feet to a 5/8 inch rebar set;

thence South 00°12'18" West, passing over a 5/8 inch rebar set at 992.59 feet, a distance of 1022.59 feet to a point in Coonpath Road;

thence North 89°14'00" West with said road a distance of 60.00 feet to the point of beginning, containing 7.168 acres.

Bearings are based on the centerline of Coonpath Road being North 89° 14'00" West. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

Description is based on a survey made by Tobin-McFarland Surveying, Inc. in July 1990 and was prepared by Thomas E. Tobin, Registered Professional Surveyor No. 6363.

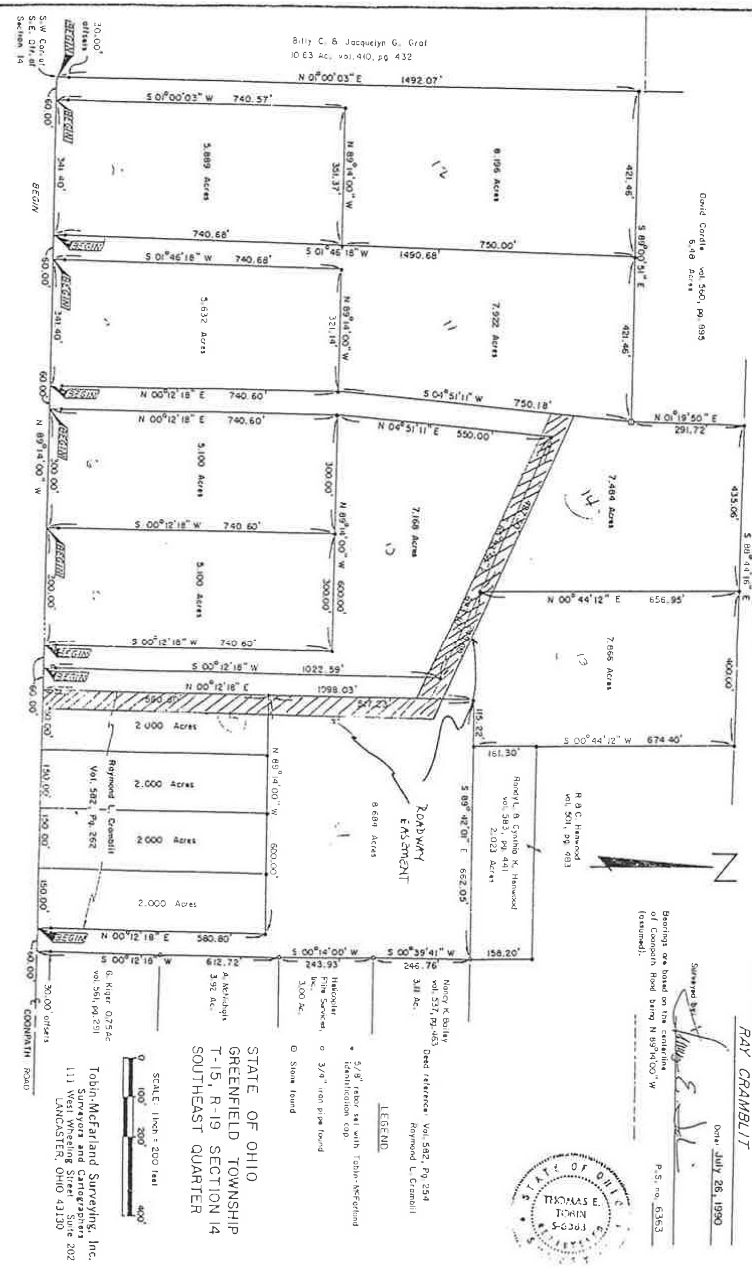


EXHIBIT H

Road specifications for full length of road as described in declaration:

- 1) Road will be 20' in Width along Centerline as described
- 2) Construct roadway section for 10" stone, pavement section. Following existing ground elevation as much as possible.
- 3) Place 12" tile where required to maintain existing drainage.
- 4) Furnish and place 6" of #2 crushed limestone in roadway section.
- 5) Furnish and place 4" of #304 crushed limestone upon #2 stone.